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News Section *Printed in Two Sections*

In the Family: Under the happy surface of the Inaugural festivities, there have been heard some deep volcanic rumblings, indicating less party harmony than publicly advertised. The source of the discord, upon investigation, turns out to be the race for the Chairmanship of the GOP National Committee, from which post Mr. Leonard Hall has just resigned. By the time the Inaugural tumult stills, there should be unveiled the name of the winner of this race. Meanwhile, the following background may prove useful in assessing the outcome.

Recently, the name of H. Meade Alcorn, National Committeeman from Connecticut, appeared in the prints. Alcorn appears to be a rather controversial figure in his own state party, not overly popular and quite unknown nationally. Presidential Assistant Sherman Adams is said to be backing him at this stage. But followers of Nixon are up in arms, contending that Alcorn was in Stassen's corner for a while last summer when Stassen sought to defeat Nixon's bid for renomination. Also, Dewey's friends want Judson Morhouse, Committeeman from New York.

And many who like the rising star of Knowland on the horizon for 1960 join in the fray. Their favorite is Ray C. Bliss, Committeeman from Ohio, and very well liked by the Taft element in the party. Despite Bliss' hesitancy to lay claim to the job, others are urging him to do so. As these see it, the possibility of Knowland as a strong contender for the nomination for President four years hence gives them their first chance to back a true conservative in the Taft tradition. Therefore, they ask, why not assist Knowland by securing the key post of head of the party for someone, Bliss or some other, who feels the same way. Holding the National Chairmanship does not cinch the nomination, but it helps.

In the lobbies of the Mayflower, Statler and other places these Inaugural days, this sort of observation is tossed back and forth very frequently, among GOP people from the 48 states. But one note is sounded which enjoys real appeal — that the members of the party want someone to promote "unity" in the party — something, many say, that Alcorn's appointment would not do.

In this connection, some recall a letter which Ohio Committeewoman Katharine Kennedy Brown of Ohio wrote to Chairman Hall last October. In it, Mrs. Brown chided Hall on his failure to live up to this "unity" specification.

"You have just sent me the list of your appointments to the Executive Committee," wrote Mrs. Brown, "and I am shocked by your utter unwillingness to try to unify the party. You have persistently ignored practically every friend of the late Senator Taft in all of your appointments and you even continue to appoint people whom I have reason to know are harming instead of helping the Republican party. You named only one man to the Executive Committee who was a supporter of Senator Taft, and you named 14 who were not. I am glad that you did name Ray Bliss, for he is doing a grand job for the party."

Mrs. Brown goes on: "I suppose you are utterly indifferent to the fact that you are ignoring the bulk of the REAL Republicans in this country by failing to appoint people who represent them. You thus make yourself a spokesman for the cult which seeks to purge all conservatives, the people who carried the torch for the Republican party during the lean years.

"It is a poor return for the self-sacrifice which Bob Taft made and were he alive today, I am confident that he would say to you just what I am saying, for I worked so closely with him, served as the only woman on his national strategy committee, and our reactions to things political were almost always in complete accord. . . . I am unwilling to let silence give consent to things which I consider absolutely harmful to our Party. You know better than to do such things. Who is back of it?"

The Knowland Boom: After a week of surprise and no little confusion, the announcement of Senator Knowland that he was retiring from the Senate is now pretty generally accepted here — not as the retirement of the Senator from politics — but as a

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steppingstone towards his candidacy for President in 1960. It is widely assumed among politicos that he will seek the governorship of California two years hence, a better spot for his ambitions than that of Minority Leader (which was Taft's hampering position in his unsuccessful bid in 1952).

Few in Washington now give credence to one interpretation which at first gained some currency: that Knowland's announcement came as a result of a deal with Nixon to oust Knight in California. News of the sharp differences between Nixon and Knowland at the opening of Congress has gotten around, and second thoughts throw cold water on the idea of their teaming up.

Reports from the Nixon camp reflect no little unhappiness about the Knowland development. It is pointed out that as a result Nixon is losing support among right wingers; many of the latter helped the Vice President win his renomination last summer. It is also pointed out that, while he has gathered some "liberal" support as a result of his civil rights attitude, he may not be sufficiently "liberal" to get all of those left of center in the party behind him. It may well be — it is suggested — that Senator Clifford Case (who enjoys "liberal" favor) will hoist his banner for 1960 and that would split the "liberal" wing, with Nixon getting the short end of it.

In any case, whatever the validity of these speculations, they are being made — which proves that the pot is boiling already for the contest in '60.

Humphrey and That Budget: Secretary of the Treasury Humphrey's split with President Eisenhower on the matter of the latter's "massive spending" Budget has given rise to rumors (evidently speculative) that this pillar of conservatism in the Cabinet may resign. No confirmation is forthcoming so far.

But it is noted by a number of wondering observers that one of Humphrey's valued advisers in the Treasury, Assistant Secretary Andrew Overby, recently resigned to go into private banking, his resignation to take effect next month. Overby, a thorough conservative, was an official of the Irving Trust Company in pre-war years; then served for the past decade in the International Monetary Fund and in the Treasury under both Truman and Eisenhower Administrations. A "sound money" man, an economy advocate and a critic of foreign spending policies, Overby is known to have worked very harmoniously with Federal Reserve Chairman William McChesney Martin in various moves for a sound currency and to have exerted much influence on former Secretary of the Treasury Snyder and on Humphrey. His departure, at this particular juncture, naturally has set off much speculation.

Out of Their Holes: Washingtonians whose memories go back five years and more voice amazement at the people who are being called upon to advise the country on the "right way to conduct a foreign policy." Specifically, incredulity is expressed over the performance of "The Three Blind Mice" — Truman, Acheson, and Kennan, all of whom have delivered recent pronouncements on President Eisenhower's proposed "Doctrine" for the Middle East. Feeling in the Capital is that these discredited architects of disaster would do well to keep silent and out of public view when foreign policy is discussed.

George Kennan, who headed the State Department's Policy Planning Staff during the late 1940's, said before the Senate Subcommittee on Disarmament that the "Doctrine" would not "correct the sources of instability" in the Middle East.

Dean Acheson, who appeared before the House Foreign Affairs Committee with a prepared statement, testified in the course of his remarks to the effect that it was needless for the President to ask the consent of Congress to his plan, because economic aid was an "admirable purpose and desirable activity for the Executive branch, already amply authorized by law and endorsed by the platforms of both parties"; and because, "since the incumbency of Mr. Jefferson, Presidents have claimed and exercised the power to use the armed forces, as they might use other instruments of Government, to protect the vital interests of the United States." (See "Commander in Chief: Master or Servant?" in article section of this issue.)

The "Red Dean" — it seemed like old times — exercised his ego during the hearings in his characteristic way. When it was first announced that he would testify, Secretary Dulles phoned Acheson and — so the story goes — courteously made the following offer: "Dean," said Dulles, "I hear you intend to testify against the Mideast Resolution. Your criticism will be a healthy thing. But, I want to help you. I know that since 1952 you have not had official access to State Department information about the Middle East. If you wish, I will be glad to arrange for people in that division to brief you and let you see anything that might

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illuminate the present problem for you before you go before the Foreign Affairs Committee." Acheson accepted and for three hours Deputy Chief of the Division William M. Rountree gave Acheson a thorough briefing, allowing him to see secret intelligence reports on the Middle East situation.

However, when Acheson was asked after the hearings by reporters whether the State Department had given him any information, he loftily replied: "Only the sort of information that you read any day in the newspapers."

Finally, Harry S. Truman, writing in *The New York Times* for January 13, put his seal of approval on the plan. Truman said that if he were now in the Senate he would vote for it, adding that Congress had "no alternative." Capital wags are wondering if Truman's approval will do more damage to the "Doctrine" than the Kennan-Acheson disapproval. They also wonder why Republicans are so dormant when their favorite and most vulnerable targets amble out into the open.

Back in Action: Anti-Communists in the Capital hailed the appearance of Senator Joseph R. McCarthy, last Sunday, on Martha Rountree's TV Press Conference. McCarthy, they say, was in top form as he rallied with a dozen reporters on the ABC network show. Among other matters, McCarthy commented on the much-discussed "Middle Eastern Doctrine," saying that Congress should not relinquish its constitutional "not right, but duty" to oversee the disposition of American troops in war.

Conservatives agree that, in his further comments on the "Doctrine," the Senator aired a subject badly in need of ventilation:

". . . I would say one of the reasons I would oppose sending troops to a foreign land is because of this iniquitous Status of Forces treaty, which turns American boys in any foreign land over to the local so-called justice. That is especially true if we talk about sending them to the Arab nations. One of the Arab nations, for example, has a law to the effect that if a man is convicted of stealing the penalty is to cut the right arm off. An example of what has happened in the past is shown in France where an American boy borrowed a taxicab for a couple of hours. He got five years solitary. The next week a Frenchman was convicted of murder and got five years."

McCarthy added that he would oppose sending troops abroad on the further grounds that there were still "467 uniformed men in Chinese prisons." Noting that "we are doing nothing whatsoever to effect their release," the Senator concluded: "I wouldn't vote to send other Americans over to suffer the same fate. I think we as a Nation owe the uniformed man we send overseas the same duty he owes this Nation."

Something for Nothing for Everybody: "Liberal" Democrats are mapping out their campaign to combat the Administration's welfare program. The program's objective is "to leave the Democrats without an issue"; and the New Deal technique will be "to outbid whatever the Republicans offer."

Bills sponsored by "liberal" Democrats may be expected soon in the fields of the minimum wage, social security, wages of the 2,300,000 Government employees, health programs, aid to school construction, student scholarships, colleges, farm supports and a host of other subjects. Despite their proposals for sharply increased Government costs, Democrats will promise tax reductions to lower income groups and to small business.

Credit Restriction: Despite the inflationary implications of what is generally termed the "shocking" request for more Federal expenditures in the Eisenhower Budget, some observers in the Capital doubt that clamps on credit will necessarily tighten. At any rate, they say that if the Federal Reserve Bank hikes its discount rate from the present 3 per cent, it will be the last increase for a long time to come. Such, at least, is the verdict of technical observers of the present touchy monetary situation, in which the Fed's strict rein on credit has caused Representative Patman and his "funny money" friends to froth at the mouth. Even the White House, which originally backed the Fed's stern attitude, reportedly fears the Fed may go too far, if it does raise the rate. Another boost and Patman and the wild men on the Hill may launch a hot probe of banking and credit, with imponderable political consequences.

However that may be, actually a number of experts in the Capital who have been sympathetic with the Fed's policy now hope that the Board will refrain from another hike — and not for fear of political repercussions. They feel that the Fed has done a good job by its credit restriction policy. It has accomplished what it had set out to do —

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to slow the pace of borrowing without reversing the prevailing trend of good business. In the past ten days, they point out, the money market has — after many months of bond price decline — reacted upward again. Governments went up, municipals gained several points, private loans were quickly subscribed. This, it is asserted, points to a healthier situation in the financial field. Let well enough alone — it is suggested.

"Right-to-Work" Law: Litigation now pending before the Riverside County (California) Superior Court conceivably could lead to a wholly new approach to the problem of "right-to-work" laws and compulsory unionism.

The suit is a test of legality of a city "right-to-work" ordinance adopted on November 14 by Palm Springs, California. Believed to be the first such local statute anywhere in the country, it is similar to laws of 17 states prohibiting establishment of membership in any union as a prerequisite to employment.

The Palm Springs ordinance was scheduled to become effective December 15th, but this was postponed indefinitely by city officials when several unions protested its legality and filed suit to have it declared invalid.

The unions also lodged complaints with the National Labor Relations Board, accusing the Palm Springs City Council of indulging in unfair labor practices on behalf of employers in the city. That complaint was dismissed by the NLRB regional office but the unions have appealed.

The legal challenge appears to hinge on the question of whether a city is an extension of a state government for purposes of section 14-b of the Taft-Hartley law, which authorizes states to prohibit compulsory unionism if they so choose. Attorneys are inclined to feel the courts may hold it is such an extension.

California does not have a state "right-to-work" law, and its Governor, Goodwin Knight, who has substantial union support despite being a Republican, has said he would veto one if it were passed by the legislature.

I.L.O.: The long fight of Cincinnati industrialist W. L. McGrath for a boycott by U.S. employers of the highly suspect International Labor Organization nears a climax.

Meeting here next week, January 25 and 26, directors of the Chamber of Commerce of the United States are to decide whether to continue recommending an Employer delegate for the I.L.O., or to boycott it in the future. The former course seems assured; it already has been recommended by the influential Commerce and Industry Association of New York City, the New York State Chamber of Commerce, and, most importantly, the national Chamber's labor relations committee.

Directors of the National Association of Manufacturers, which in the past has acted jointly with the Chamber to recommend an Employer delegate, meet here next month to act on the same question.

Ten days before the Chamber's directors convene, Washington correspondents early this week received an expensive, slick-paper brochure detailing the New York City group's reasons for urging continued participation. In essence, it contends that if this country were not participating, the Communist domination of the organization would become even worse — a weak argument, in most opinions, and one which overlooks the real underlying reason for the recommendations — which, it is believed, is the penchant of Park Avenue internationalists for joining any and all international organizations.

Between Covers: All the facts on Guy Burgess and Donald Maclean have not yet come out, writes Edna Fluegel in the February 1957 issue of *The American Mercury*. Miss Fluegel, head of the political science department at Washington's Trinity College and consultant to the Internal Security Subcommittee, demonstrates that Burgess and Maclean belonged to a network with many American members. Why, she asks, does official America continue to pretend that the case of the "disappearing diplomats" is strictly an English problem?

Letter from EVERETT McKINLEY DIRKSEN, U.S. Senator from Illinois: "HUMAN EVENTS is a concise, factual and timely analysis of the major issues which are of the greatest importance to America and compiles these issues in a thorough and scholarly way."

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The Declaration of Independence opens: "When in the course of HUMAN EVENTS . . ."

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Article Section

In broaching his "Middle Eastern Doctrine" to the Congress, President Eisenhower asked legislation to "authorize the Executive to undertake . . . programs of military assistance and cooperation with any nation or group of nations which desires such aid." Defenders of this request point out that the President has sought to share the war-making power with Congress — in contrast with the manner in which President Truman took us into the Korean war. Congressional critics, on the other hand, call the proposal an "undated declaration of war." In the article below, an outstanding authority on the Executive-Legislative balance of powers comments on the modern trend towards exclusive Executive action in the military sphere.

THE COMMANDER IN CHIEF
Master or Servant?

By SAMUEL J. KORNHAUSER

ON SEPTEMBER 29, 1954, Secretary of State Dulles took the floor at the London Conference to affirm that, if the contemplated European Defense Community were consummated, the United States would continue to maintain an adequate quota of its armed forces in Western Europe. In the course of his address, he made this positive declaration:

> **"I should perhaps explain that under our constitutional system the President of the United States is Commander in Chief of the armed forces of the United States, and, as such, has the right to determine their disposition. That is a right which cannot be impaired by action of the Congress."**

This categorical assertion, that the President may wield at will such immense unconditional power, both in time of war and in time of peace, provoked no noticeable protest or criticism from public men or private citizens in America. Yet imbedded in it are portentous implications which should excite the gravest concern. It strikes at the keystone of our governmental structure: that no man in any public office shall be vested with autocratic power. The unrebuked Dulles pronouncement is an alarming manifestation of the vanishing will to resist assaults on basic American concepts.

THAT MR. DULLES enjoys merited high repute as a lawyer, that he occupies an exalted office, that his utterance at London was made under circumstances of heavy responsibility, command pause and respect. Yet, we may, with less hesitation, impeach his opinion in this instance when we recall how recently he repudiated his affirmed convictions on an equally vital question of constitutional law. In one year, as a private citizen, he presented the most cogent argument in favor of action to limit the scope and effect of treaties, which, as construed by the Supreme Court, had become a source of gathering dangers to inherent liberties of American citizens. In the year following, however — Mr. Dulles having meanwhile

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become Secretary of State — when confronted by the Bricker Amendment (designed to create the very remedy for which he had so urgently pleaded) he forsook his previous avowals, and became an important factor in preventing even a submission of the issue for consideration and judgment by the people of our 48 states.

Whether the distinguished gentleman may perhaps have allowed the dictates of expediency to overcome his former uninhibited judgment on the treaty-power issue, and whether at London he was prompted by like considerations to abandon his beliefs as a lawyer to suit the exigencies of the politician are inquiries which I forbear to pursue. But I do insist that the doctrine he enunciated at London is fallacious and pernicious. It marks the culmination of the trend toward conceding unfettered power to the President as Commander in Chief.

It has a doubly misleading effect: it gives the doctrine an air of authority and finality; and it justifies foreign governments in relying on it as unassailable. It also leads American citizens to conclude that it represents settled law, unchangeable except through the arduous process of constitutional amendment. It is an insidious expedient embraced by those who conspire to expand further the overgrown powers of the Federal Government, and to concentrate them in the Executive department. On what is this audacious doctrine based?

Its sole support lies in one brief, bare assignment in the Constitution: "The President shall be the Commander in Chief of the Army and Navy of the United States." There is no definition whatever attached. On this terse clause is built the contention that one man is vested with unlimited and untouchable power to govern disposition of our armed forces as he chooses. Yet, when these few naked words are viewed in the light of the full text of the Constitution and the historical background out of which it emerged, it becomes difficult to understand how a construction so groundless and repugnant could be indulged, let alone promulgated as definitive.

Obviously, the cardinal principal which pervades the Constitution is restraint on arbitrary power. The central organ of Government created is the Congress. By far the largest part of the instrument is devoted to charting the Congressional functions. The Founders knew well, as we in our day have seen, that dictatorships begin with suppression of legislative assemblies, and that the first step to that end is seizure of control over the military. So that this might not happen here, the establishment, regulation, and ultimate control of armed forces was delegated to Congress.

Congress alone may "lay and collect taxes" to "provide for the common defense." It alone is empowered "to raise and support armies," and "to provide and maintain a navy"; it alone is directed "to make rules for the government and regulation of the land and naval forces"; it alone may make provision for organizing the militia, and calling it into the service of the United States. In Congress alone is vested authority to declare war. And mark the caution in connection with establishing armies, manifesting an ever present concern lest military might should get out of hand and surmount the safeguards of liberty. There is the mandate that no appropriation of money "to raise and support armies . . . shall be for a longer term than two years" — to the end that armies shall remain always under the curb of Congress. Yet Mr. Dulles tells us that the Constitution endows the Commander in Chief with dictatorial powers which the Congress may neither question nor control.

One of the main complaints made in our Declaration of Independence against the British king was that he had contrived "to

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render the military independent of and superior to the civil power." The whole tenor of the Constitution evinces a studied purpose to guard against domination of military leadership in America. Yet, we are now told that the President, when acting in his military capacity, is "independent of and superior to the civil power." Is it conceivable that the unmistakable limitations which were imposed on the President's authority when acting in his civil capacity were not intended to apply to him also as Commander in Chief? Let the record answer.

Only two brief sections of the Constitution relate to the duties of the President. In the resolutions passed by the Constitutional Convention the function to be delegated to him was described as "power to carry into execution the national laws." In preparing the text of the Constitution, the drafting committee chose the phrase, "Executive power," to embody the meaning of the words set forth in the previously adopted resolutions. Thus we find at the beginning of Article II: "The Executive power shall be vested in a President of the United States." This was accepted as a proper version of the words, "power to carry into execution the national laws." The restricted meaning of the grant is further emphasized by the subsequent significant clause in Section 3: "he shall take care that the laws be faithfully executed."

The Founders might have left to Congress the appointment of a Commander in Chief. But, having provided a Chief Executive for civil affairs, "to carry into execution the national laws," it was natural to make him also Chief Executive in military affairs to carry out the applicable national laws. He was placed in the same position as to all his duties. When a law is enacted, whether it be a declaration of war, a revenue act, or any other within the purview of Congressional authority, it becomes his duty to use all resources at his command to attain the ends prescribed in the legislation. To assert that he may legitimately use the Army as he will in furtherance of his self-made policies is to fly in the face of fact.

I SHALL BE TOLD that these views result from over-simplification, and are hence untenable — an answer so frequently made by those who find their pet theories running head on into firmly fixed truths. It will be asserted that usage under changed conditions has enlarged the scope of the Presidential office, and that adherence to the unembroidered provisions of the Constitution is old-fashioned and intolerable. This is the favorite argument of those who promise prompt and abundant blessings from enthroned benevolence, if only we resort to short cuts from the White House around the carefully designed barriers of the Constitution. The unassailable answer is that basic changes can be lawfully made only by the ordained method: amendment approved by the people — and not by the President, the Congress, or the Supreme Court. If to denounce the factitious philosophy which reads alien, incongruous theories into our Constitution; if to demand adherence to the plain, pure meaning of its language, as understood by those who wrote and ratified it — if this be oversimplification, "I own the soft impeachment."

Undoubtedly, as new problems arise in the course of vast rapid growth, it becomes necessary to make new applications of old principles. That is the proper function of the legislature. But the basic concepts remain unchanged. It is just as true today as it was in 1787 that power reposed in men breeds inclination to overleap its designated bounds; that ambition to rule readily finds pretexts in alleged necessity to warrant expanded authority till gradually, sometimes suddenly, arbitrary government crushes the foundations of freedom. The awful power of wielding at will our colossal modern armament should never be entrusted to any

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man. Without doubt, however, the President has an instant, imperative duty to apply every available resource to defend the Nation against surprise attack.

In time of war there must necessarily be an unhindered ultimate arbiter of military policy. Even so, we gamble with doom if momentous decisions are left to a single man. Let it not be forgotten that it was a Commander in Chief who ordered our victorious armies to mark time at the gates of Berlin and Prague to allow our faithful Russian ally to take over the vital territory it coveted as a step toward its plotted, and avowed, quest for world dominance; that it was a Commander in Chief whose orders barred our armies in Korea from achieving victory within their grasp. And let us not forget the dire consequences.

But surely the contention that in time of peace, the Commander in Chief may use the armed forces — which Congress creates and maintains—without special mandate of law, in such manner as may involve the Nation in war or other tragic entanglement from which there is no retreat, is so monstrous that it lays bare its own refutation. President Polk, it has been charged, deliberately so disposed our armed forces as to provoke war with Mexico, and thereby supply a pretext for seizure of new territory within which to extend Negro slavery. It has also been alleged that Franklin Roosevelt, as Commander in Chief, so disposed our naval forces in Pearl Harbor as to invite a Japanese attack which would so inflame the public as to make a desired declaration of war by Congress compulsory.

Whether or not in these instances the motives ascribed actually existed, I leave to the historian's deductions. One particular example, however, not open to question, is sufficient to give ample warning and to create grave anxiety. As Commander in Chief, Mr. Truman, without legislative sanction, sent our armed forces into Korea, and ordered them into battle. He made war by personal edict. And worse still may happen unless we become alive to the danger, and put an end to government by men instead of by laws.

WHETHER OR NOT we should maintain armed forces in Europe, and, if so, to what extent, in what manner, and for how long, is for Congress to determine, after full disclosure of facts, and discussion in the hearing of the American people. It has the responsibility of governing the use of the Army and Navy. It controls raising and appropriation of money; it can impose conditions requiring the Commander in Chief to operate within limitations imposed. The Congress is fully equipped to demolish the currently accepted doctrine which lodges in the hands of a single fallible human being — possibly some future rash, deluded, self-sufficient Commander in Chief — power to make such disposition of the armed forces as might bring down utter annihilation on our land and others. The safeguards of human liberty are at stake.

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Samuel J. Kornhauser, who wrote this article shortly before his recent death, was an expert on the question of "Presidential powers," and wrote widely for libertarian publications.

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